

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROLAND CHARLES BROCKIEDE,

Plaintiff,

v.

Case No. 09-14626
Honorable Denise Page Hood

STATE OF MICHIGAN,

Defendant.

_____ /

ORDER DENYING PLAINTIFF'S AFFIDAVITS

This matter is before the Court on Plaintiff's, Roland Charles Brockiede, Affidavits [Docket Nos. 7-11]. On January 12, 2010, the Court issued a Notice remanding this action back to state court. Plaintiff then filed a series of five affidavits. The Court will consider each as a separate motion for reconsideration.

The Local Rules of the Eastern District of Michigan provide that any motion for reconsideration must be filed within 14 days after entry of judgment. E.D. Mich. L.R. 7.1(h)(1). No response or oral argument is allowed unless the Court orders otherwise. E.D. Mich. L.R. 7(h)(2). Pursuant to Rule 7.1(h)(3) "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." A motion for reconsideration is only proper if the movant shows that the court and the parties were misled by a "palpable defect." E.D. Mich. L.R. 7.1(h)(3). A "palpable defect" is a "defect which is obvious, clear, unmistakable, manifest, or plain." *Olson v. The Home Depot*, 321 F.Supp.2d 872, 874 (E.D. Mich. 2004). The movant must also

demonstrate that the disposition of the case would be different if the palpable defect were cured.

E. D. Mich. L.R. 7.1(h)(3).

In a series of Affidavits totaling over 600 pages, Plaintiff challenges the Court's removal of this case and alleged fraud in state court. Plaintiff has failed to meet the standard for reconsideration. The Court will not consider the re-hashing of arguments already considered or new arguments that could have been advanced earlier. Nor has Plaintiff demonstrated a "palpable defect" that if cured would change the Court's original disposition.

Pursuant to Local Rule 7.1(h)(3), the Court finds that Plaintiff's motions for reconsideration are DENIED and this action remains remanded to state court.

Accordingly,

IT IS ORDERED that the Affidavits [**Docket Nos. 7-11**] are **DENIED**.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: December 13, 2011

I hereby certify that a copy of the foregoing document was served upon Roland Brockriede, 4646 Hollenbeck Road, Columbiaville, MI 48421 and counsel of record on December 13, 2011, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager